



U.S. Application No. 10/702,551
Docket No. 2658-0314P
Art Unit: 1732
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REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1, 3-5, and 7-19 remain pending.

§ 103 REJECTION – HIGUCHI, CONVENTIONAL ART

Claims 1, 3-5, and 7-19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Higuchi et al. (U.S. Patent 6,132,652) in view of the conventional art (CA, as illustrated in Fig. 3 of the present disclosure). Applicants respectfully traverse.

Claim 1 recites, in part, “wherein said at least one fastening member extends through said core material portion into said stamper.” In the previous Reply submitted on April 25, 2006, Applicants amply demonstrated that Higuchi and CA, alone or in combination, cannot teach or suggest this feature.

Indeed, the Examiner agrees. The Examiner states “It is true that the applied **rejection fails to show** the aspect of a fastening member – or a fastening member hole – extending through the core into the stamper. In fact, the **rejection does not even show** such structure extending into the stamper in the first place.” *Emphasis added; See Final Office Action, page 3, lines 2-5.*

Then Examiner attempts to cover for this deficiency by merely stating that that such feature is obvious and has already been noted. The Examiner

appears to be referring to the statements made in the Office Action dated January 25, 2006. In that Office Action, the Examiner noted that Higuchi discloses a fixing structure for fixing the stamper (the plate-shaped metal mold 1b as illustrated in Figs. 1 and 3 of Higuchi) to a base 1a of the mold. The Examiner simply asserted that it is obvious that bolts would be passed directly into the stamper should that be desired. *See January 25, 2006 Office Action, page 2, last two lines – page 3, line 1.* A simple assertion, without support, does not suffice as demonstrating a *prima facie* case of obviousness.

M.P.E.P lists several requirements that the Examiner must establish to reject a claim as being obvious. One such requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* In this instance, by Examiner's own admission, Higuchi and CA do not disclose the feature of "wherein said at least one fastening member extends through said core material portion into said stamper" as recited. Clearly, the rejection fails.

Since even the Examiner admits that the above-recited feature is not disclosed in the cited references, the Applicants assumed the possibility of the Examiner impliedly taking Official Notice. As such, Applicants challenged the Official Notice and requested that a valid prior art reference(s) be provided.

The Examiner did not provide such references and merely states "Applicant insists that a reference be provided to show such when in fact **no reference is necessary.**" *Emphasis added; See Final Office Action, page 3, lines 6-7.* The Examiner's response is counter to what is required.

Again, M.P.E.P. is clear regarding the procedure for Official Notices. Official Notice may be taken of facts outside of the record that are capable of instant and unquestionable demonstration as being "well-known" in the art. *See M.P.E.P. 2144.03.* However, **if the assertion is traversed, references must be cited in support of the position taken** in the Official Notice. *Emphasis added; See M.P.E.P. 2144.03.* The Examiner's response disregards this requirement.

Further, Applicants previously demonstrated that modifying Higuchi as suggested by the Examiner would render Higuchi unsatisfactory for its intended purpose. Higuchi clearly envisions the plate-shaped metal mold 1b as being independently interchangeable from the common use base portion 1a. If Higuchi is modified as suggested by the Examiner, then the independent interchangeability of the plate-shaped metal mold 1b from the common use base portion 1a would be destroyed, which renders Higuchi unsatisfactory for its intended purpose. Then by definition, there is no motivation to combine Higuchi with the CA.

The Examiner agrees that Higuchi desires interchangeable stampers, but simply asserts that such would have been readily interchanged if the instant bolting arrangement were to be used. Again, this is an assertion without support, and therefore is not enough to refute the arguments presented.

For at least the above stated reasons, independent claim 1 is distinguishable over Higuchi and CA.

Independent claim 5 recites, in part, "forming at least one fastener hole through the core material portion and extending into the stamper electrotpe." It is demonstrated above the Higuchi and CA cannot teach or suggest at least this feature. Accordingly, claim 5 is distinguishable over the combination of Higuchi and the CA.

Applicants also note the following – the molding device illustrated in Figures 1, 2 and 3 of Higuchi is really nothing more than the CA device as illustrated in Figure 3 of the present disclosure. The molding device of CA includes a stationary core 34, a stamper 32 below the stationary core 34, and a stamper fixing element 38 provided to determine the attached position of the stamper 32. The molding device of Higuchi includes a fixed base portion 1a (i.e. core), a plate-shaped metal mold 1b (i.e. stamper) below the fixed base portion 1a, and holding members 1c (i.e. fixing element) provided fix the outer edge portion of the plate-shaped metal mold 1b to the base portion 1a. The only difference is in the method of attaching the stamper – namely, Higuchi uses

bolts to connect the holding members 1c to the base portion 1a to fix the mold 1b and CA uses vacuum power to fix the stamper to the core. By any analysis, it is clear that independent claims 1 and 5 are distinguishable over Higuchi and CA.

Claims 3-4 and 7-19 depend from independent claims 1 and 5 directly or indirectly. For at least due to the dependency thereon, these dependent claims are also distinguishable over the combination of Higuchi and CA.

The dependent claims are also distinguishable on their own merit. For example, claim 4 recites, in part, "wherein said stamper is between 6 and 12 mm thick." Claim 8 recites a similar feature. Applicants demonstrated that such feature is not taught or suggested in Higuchi in the previous Reply.

The Examiner admits that Higuchi only shows the thickness of the metal mold 1b being between 0.2 and 0.3 mm, but alleges that the exact thickness would have been obvious dependent on the physical strength desired for the stamper. *See Final Office Action, page 3, lines 14-16.* Even under this logic, the rejection fails.

In describing the method of producing the metal mold 1b, *i.e.* the stamper, Higuchi states "A metal **abundant in durability such as nickel** is deposited to a thickness of approximately 0.2 to 0.3 mm ..." *Emphasis added; See Higuchi, column 7, lines 47-50.* In other words, Higuchi clearly contemplates that the thickness in the range of 0.2 to 0.3 mm has sufficient

durability, i.e. strength, for the purposes of manufacturing light guides. Thus, there is no motivation to increase the thickness.

In addition, in so far as the Examiner insists on the CA being a proper prior art reference (point still contended), the Examiner is ignoring the specific teachings of CA. In the description of the CA on paragraph [0006], it is disclosed that the stamper 32 can be made by electroplating nickel on a surface of a brass plate master. However, it goes on to state that in manufacturing the stamper 32, "the stamper 32 has a thickness of about 0.1 to 0.4mm because it is difficult to make a large plating thickness." In other words, CA specifically teaches away from making a stamper with thickness in the range between 6 and 12 mm.

Thus, when the teaching of Higuchi that the stamper with 0.2 – 0.3 mm thickness has sufficient durability is combined with the teaching of CA that making the stamper greater with thickness greater than 0.4 mm is difficult, it would not be obvious to one of ordinary skill to make the stamper with the thickness in the range as recited. Clearly, claims 4 and 8 are distinguishable.

As another example, claim 16 recites, in part "wherein the stamper and the core material portion are both formed from nickel." Claim 17 recites a similar feature. In the Final Office Action, the Examiner notes that Higuchi teaches making the stamper out of nickel. From this, the Examiner simply extrapolates and merely asserts that it would have been obvious to make the

core out of the same material. *See Final Office Action, page 2.* Again, assertion without support is not sufficient. Clearly, claims 16 and 17 are distinguishable.

Claim 18 recites, in part “wherein the stamper and the core material portion together form a movable core of the mold apparatus.” Claim 19 recites a similar feature. In the Final Office Action, the Examiner admits that Higuchi only discloses the stamper being part of a stationary mold. However, the Examiner merely asserts that it would have been obvious to reverse the structure to make the stamper a part of the movable core.

This contrary to the disclosures of both Higuchi and CA, which only teach the stamper as being part of the stationary mold. Further, an assertion without support is not sufficient for a proper rejection. Clearly, claims 18 and 19 are distinguishable.

For at least the reasons stated above, Applicants respectfully request that the rejection of claims 1, 3-5, and 7-19 based on Higuchi and CA be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg.

No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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